

House File 2475 - Introduced

HOUSE FILE 2475
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 2166)

A BILL FOR

1 An Act requiring provision of deliverable fuels to customers
2 under specified circumstances, and including effective date
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 216A.105 Deliverable fuels —
2 mandatory delivery — qualifications.

3 1. A deliverable fuel vendor engaged in the business of
4 providing deliverable fuel to customers in this state shall
5 not withhold the sale or delivery of deliverable fuel to a
6 customer from November 1 through April 1 annually if either of
7 the following apply:

8 a. The customer documents that they are able to make a cash
9 payment for deliverable fuel of five hundred dollars.

10 b. The customer is eligible for the federal low-income home
11 energy assistance program.

12 2. A deliverable fuel vendor is not prohibited from
13 withholding the sale or delivery of deliverable fuel to a
14 customer who is eligible for the federal low-income home
15 energy assistance program and has received the maximum amount
16 of annual assistance pursuant to the program, and who cannot
17 otherwise document the ability to make a cash payment for
18 deliverable fuel pursuant to subsection 1, paragraph "a".

19 3. A deliverable fuel vendor providing deliverable fuel to a
20 customer described in subsection 1, paragraph "a", may apply the
21 customer's cash payment as follows:

22 a. Seventy-five percent toward the current deliverable fuel
23 sale or delivery.

24 b. Twenty-five percent toward any unpaid balance.

25 4. A customer shall be responsible for the reasonable
26 cost of equipment safety checks conducted by a deliverable
27 fuel vendor, unless the customer is eligible for the federal
28 low-income home energy assistance program and the cost is paid
29 for with program funds. Equipment safety check payments shall
30 be in addition to, and shall not reduce, the cash payment
31 otherwise available for deliverable fuel sale or delivery
32 pursuant to subsection 1, paragraph "a". A deliverable fuel
33 vendor conducting an equipment safety check shall inform
34 customers eligible for the low-income home energy assistance
35 program of the existence of programs and projects developed

1 by the Iowa propane education and research council to provide
2 assistance to persons eligible for the program, if applicable
3 based upon the results of the safety check.

4 5. *a.* An existing customer of a deliverable fuel vendor
5 with an unpaid balance owing to that vendor shall not obtain
6 deliverable fuel from another vendor pursuant to this section
7 unless and until a reasonable payment arrangement for paying
8 off the unpaid balance has been entered into between the
9 customer and the deliverable fuel vendor. In the event the
10 customer is eligible for the federal low-income home energy
11 assistance program, the division shall offer assistance in
12 facilitating the payment arrangement. The division shall by
13 rule establish procedures regarding payment arrangements.

14 *b.* For the purposes of this subsection, a "*reasonable*
15 *payment arrangement*" means a payment arrangement or agreement
16 determined by considering the current household income, ability
17 to pay, payment history including prior defaults on similar
18 arrangements or agreements, the size of the bill, the amount
19 of time and the reasons why the bill has been outstanding, and
20 any special circumstances creating extreme hardships within
21 the household, either based upon information submitted by the
22 customer or subject to confirmation by an acknowledgment from
23 the department of human services or another agency.

24 6. The division shall adopt rules governing contracts and
25 agreements with deliverable fuel vendors pursuant to this
26 section in order to protect the rights of persons who heat
27 their homes with deliverable fuels.

28 7. For the purposes of this section, unless the context
29 otherwise requires:

30 *a.* "*Customer*" means an existing customer of a deliverable
31 fuel vendor or a prospective customer submitting an application
32 or otherwise applying for the purchase or delivery of
33 deliverable fuel.

34 *b.* "*Deliverable fuel*" means propane or any other heating
35 fuel sold or delivered in this state for home heating purposes.

1 developed by the Iowa propane education and research council,
2 if applicable.

3 The bill prevents an existing customer owing an unpaid
4 balance to a vendor to obtain deliverable fuel from another
5 vendor unless and until a reasonable payment arrangement, as
6 defined in the bill, for paying off the unpaid balance has
7 been entered into between the customer and the vendor. The
8 bill directs the division of community action agencies of
9 the department of human rights to assist LIHEAP customers in
10 facilitating the arrangements, and to establish procedures by
11 rule regarding such arrangements.

12 The bill also directs the division to adopt rules governing
13 contracts and agreements with vendors in order to protect the
14 rights of persons who heat their homes with deliverable fuels.
15 Definitions of "customer", "deliverable fuel", "deliverable
16 fuel vendor", and "propane" are supplied.

17 The bill takes effect upon enactment.